

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK**

ANCHOR SALES & MARKETING, INC.,

Plaintiff,

Civil Action No. 15-CV-04442 (RA)

v.

RICHLoom FABRICS GROUP, INC.,

Defendant.

PATENT NO. 7,213,633

**PLAINTIFF ANCHOR SALES & MARKETING, INC.,
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to the Court's Order of August 21 2015, the Federal Rules of Civil Procedure, and Local Patent Rule 6, Plaintiff Anchor Sales & Marketing, Inc., submits the following Disclosure of Asserted Claims and Infringement Contentions (the "Contentions") relating to United States Patent No. 7,213,633 (the "633 Patent"). Since no discovery has yet been conducted by either party, these Contentions are based on Plaintiff's incomplete and unilateral investigation to date, and therefore Plaintiff reserves the right to amend and supplement these Contentions to the fullest extent consistent with the rules and orders of this Court.

I. ASSERTED CLAIMS

The 633 Patent contains eight method claims. Defendant infringes all claims of this patent under the doctrine of equivalence.

II. ACCUSED PRODUCT

Based on Plaintiff's preliminary investigations to date, Defendant has manufactured, used, offered for sale, and/or sold within the United States, in this district and elsewhere, products which infringe the '633 Patent and is continuing to manufacture, use, sell and offer to sell such infringing products in the United States, in this district and elsewhere.

Plaintiff submits the following claim chart identifying each infringed claim on the left of the chart and Defendant's infringing product on the right side of the chart.

III. CLAIM CHART

Infringement of the '633 Patent	
Claim	Accused Product
<p>1. A method of forming scalloped configuration in a double-layer curtain for hanging from windows, said curtain having a front layer and a back layer, each of said layers being defined by an upper edge and a lower generally parallel edge, and two generally parallel sides, said method comprising:</p> <p>(c)¹ providing two pairs of ties, each tie having an upper end attached to said curtain, and a freely hanging lower end,</p> <p>(c)² each of said pairs of ties being attached at their upper ends to one of said curtain layers a finite distance from the top edge and its respective side edge, and</p> <p>(c) slipping each pair of said ties a through solid bead having a passageway therethrough for passage of said ties and raising each bead to approximately the same height until forming the scalloped configuration in said curtain.</p>	<p>Amended Complaint, Exhibits B, D and F</p> <p>The infringing products are all directed to a method of forming scalloped configuration of curtains.</p> <p>Defendant's infringing product is made by the same method steps as in claim 1, the only difference is that the pair of ties in claim 1 is secured by a bead whereas in the infringing product the pair of ties are secured by fabric ties</p>
<p>1. sic (a)</p> <p>2. sic (b)</p>	

<p>As disclosed in Col. 4, lines 3-10 of the -633 Patent:</p> <p>Although a spherical bead is used in the method described herein, the shape of the bead is not critical, per se, so long as the bead is provided with a through passage for insertion of the ties such that the head can be manipulated by sliding it through and up to the desired height in the curtain. Other changes and modifications are suggested from the foregoing detailed description without departing from the scope of the present invention.</p>	<p>The method step used in the infringing product to form a scalloped configuration is the same method step in the -633 Patent. They are equivalent method steps.</p>
<p>2. A method as in claim 1 wherein each of said beads is spherical in shape having a central through passageway.</p>	<p>See discussion relating to claim1, supra.</p>
<p>3. A method as in claim 1 wherein the ends of each pair of ties which are attached to the curtain lie on a common line which is generally parallel to the top and bottom edges of each of said layers.</p>	<p>In the accused infringing product the ends of each pair of ties which are attached to the curtain tie on the common line which is the generally parallel to the top and bottom edges of each of said layer, the same as in claim 3.</p>
<p>4. A method as in claim 2 wherein the ends of each pair of ties which are attached to the curtain line on a common line which is generally parallel to the top and bottom edges of each of said layer.</p>	<p>See discussion relating to claim 2, supra.</p>
<p>5. A method of forming a scalloped configuration in a single layer curtain, said curtain layer being defined by an upper edge and a lower generally parallel edge, and two generally parallel side edges, said method comprising:</p> <p>(a) providing two pairs of ties, each tie having an upper end attached to said curtain, and a freely hanging lower end,</p> <p>(b) each of said pairs of ties being attached at their upper ends to said curtain a finite distance from the top edge and respective side edge, and</p> <p>(c) slipping each pair of said ties through a solid bead having a passageway therethrough for passage of said ties and raising each bead to approximately the same height until forming the scalloped configuration in said curtain.</p>	<p>The infringing product also infringes claim 5 which defines formation of scalloped configuration in a <u>single layer</u>. The same method steps are employed to form the scalloped configuration.</p>

6. A method as in claim 5 wherein each of said beads is spherical in shape having a central through passageway.	The use of a bead is equivalent to the method used in the infringing product since in both methods the pair of ties are attached to the curtain by a common line which is generally parallel to the top and bottom edges of said layers.
7. A method as in claim 5 wherein the ends of each pair of ties which are attached to the curtain lie on a common line which is generally parallel to the top and bottom edges of each of said layers.	See same discussion as in claim 6.
8. A method as in claim 6 wherein the ends of each pair of ties which are attached to the curtain lie on a common line which is generally parallel to the top and bottom edges of each of said layers.	See same discussion as in claim 6.

IV. WILLFULL INFRINGEMENT

Defendant has willfully infringed the -633 Patent by copying Plaintiff's method of forming scalloped configuration of curtains hanging from windows. Defendant copied the patented method, and offers to sell and sold in this district and elsewhere, infringing products even after notice by the Plaintiff.

V. DEFENDANT'S INFRINGING PROIDUCT

The following products are currently sold by the Defendant infringes the claims of the -633 Patent.

- Risa Window Curtain Tier Pair and Valance
- Bijoux Soiree Rod-Pocket Tie-Up Tailored Valance
- Rod Pocket Tie-Up Valance

During the Initial Status Conference in court on August 31, 2015, the method of forming a scalloped configuration of Exhibits B, D and F in curtains was demonstrated to the court, in the presence of the attorney for the Defendant.

Upon completion of discovery, Plaintiff may become aware of other infringing products and therefore, Plaintiff reserves the right to amend its Complaint to include such infringing products.

LAW OFFICES OF JAMES W. BADIE

Dated: September 8, 2015

/s/ James W. Badie

James W. Badie #6961

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